

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Edward A. Hubbard	Art Unit :	2152
Serial No. :	09/834,785	Examiner :	Dalencourt, Yves
Filed :	April 13, 2001	Conf. No. :	8392
Title :	SOFTWARE-BASED NETWORK ATTACHED STORAGE SERVICES HOSTED ON MASSIVELY DISTRIBUTED PARALLEL COMPUTING NETWORKS		

MAIL STOP PETITIONS

Attention: Tech Center 2152

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181(a), applicant hereby petitions to withdraw the Notice of Abandonment mailed December 26, 2006 (copy enclosed). The application was abandoned because the Patent and Trademark Office records indicate that the issue fee was not paid. The Notice of Allowance and Fee(s) Due was not received by the Attorney of Record.

The Notice of Abandonment was issued on December 26, 2007; this Petition is being timely filed prior to the February 26, 2007 two month due date.

1. The undersigned Attorney of Record states that the Notice of Allowance and Fee(s) Due was not received by the practitioner.
2. A search of the file jacket and docket records indicates that the Office communication was not received.
3. Attached as Exhibit A is a docket sheet dated April 28, 2006 showing that the Response to Supplemental Examiner's Answer was filed on April 13, 2006
4. Attached as Exhibit B is a docket sheet dated January 5, 2007 showing receipt and docketing of the Notice of Abandonment and confirming that the Notice of Allowance was not received.
5. The address to which the Notice of Allowance and Fee(s) Due was sent was an effective address for Winstead Sechrest & Minick at the time the document was mailed.
6. After transfer of this file to Fish & Richardson P.C., a copy of the Notice of Allowance and Fee(s) Due was retrieved from the public PAIR system.

7. Attached hereto is the Issue Fee Payment.
8. Attached hereto is a Change of Correspondence Address signed by the Attorney of Record.

Applicant hereby submits that the Notice of Allowance and Fee(s) Due was not received by the Attorney of Record. Pursuant to MPEP 711.03(c)(1)(A), all requirements for this Petition to Withdraw Holding of Abandonment have been met. Accordingly, Applicant requests that the Abandonment of this application be withdrawn. In order to expedite the issuance of this patent, Applicant has herewith paid the issue fee.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Feb. 23, 2007



Kelly K. Kordzik
Reg. No. 36,57E

Fish & Richardson P.C.
1717 Main Street
Suite 5000
Dallas, Texas 75201
Telephone: 512.226.8148
Facsimile: 877.769.7945



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: CUBA DRIVE, SUITE 100
P.O. Box 1400
Alexandria, Virginia 22304-1400
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09829,765	04/13/2001	Edward A. Hubbard	UNITED-021	6392
CLASS WINSTED SECHRST & MINICK P.C. P.O. BOX 50744 DALLAS, TX 75201			EXAMINER	
			DATE RECEIVED, YEAR	
			ART UNIT	PAPER NUMBER
			1157	
			MAIL DATE	PRELIMINARY MOON
			02/26/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/834,785

Examiner

DALENCOURT, YVES

Applicant(s)

Edward A. Hubbard

Art Unit

2157

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____ but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Patent to review under 37 CFR 1.137(a) or (b) or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 3

WINSTEAD

Patent: 40988/P001P9, United States, Regular, National, Continuation-In-Part

Patent Data

Docket Number	40988/P001P9	Attorney	
Country	United States	Attorney 2	
Case Type	Regular	Attorney 3	
Relation Type	Continuation-In-Part	Agent	
Filing Type	National	Agent Ref No	
Filing Number		Client/Division	United Devices, Inc.
Status	Piled	Owner/Proprietor	United Devices, Inc.
Sub Status		Previous Owner	
Sub Status Date		Client Reference1	UNTO: 021
First Filing Date	3/30/2000	Client Reference2	UNTO: 021
Parent Country	United States	CPA Reference	
Parent Number	00530543	Ind. Claims/Designs	2
Parent Filing Date	3/30/2000	Total Claims	28
Parent Grant Date		Total Classes	
Application Number	09/034785	Confirmations Number	8392
Application Date	4/13/2001	Deed Date	5/12/2001
Publication Number		Recordal Date	7/20/2001
Publication Date		Reel/Frame	012064/0544
Reel Number		Effective Date	5/1/2001
Grant Date		File Location	Auflin
Tax Class Date		Historic Date	
Next Pay Date		Assigned	Assignment Recorded
Expiration Date		Convention Type	

Title

Software Based Network Attached Storage Services Hosted on Massively Distributed Parallel Computing Networks

Description

Supplemental IDS filed on 02/13/03, 05/10/03

Other Case-Related Information**Events**

Action	Action Due Date	Deadline Date	Completed Date	Action Notes	Responsible Atty #2	Responsible Atty #3
No Foreign Filing	4/13/2001		4/13/2001			
Notice Of Missing Parts Filed	7/11/2001		7/16/2001			
Additional Document Due Assignment	7/11/2001		7/11/2001	Wing Receipt		
IDS Filed	7/16/2001		7/16/2001			
Power of Attorney	12/18/2001		12/18/2001	Supplemental IDS filed on 02/13/03, 05/10/03		
Additional Document Due	6/15/2003		6/15/2003	PC dated 8/18/03 rec'd 8/25/03		
	4/6/2004		12/10/2003	Status Inq. Resp. from PTO; Status Req. filed 10/6/03 PC dated 10/08/03 rec'd 10/20/03; Resp. status will be 15 months from this date before OA is rec'd		
Additional Document Due	01/18/2004		12/31/2003	Not. of Accept of PGA filed 12/18/03; PC dated 12/22/03 rec'd 1/2/04		
1st Office Action	9/3/2004		9/3/2004			
Response first OA - 1st	3/2/2005		1/3/2005	PC dated 1/8/05 rec'd 1/11/05		



Intension:				
Final Rejection Still Date:	4/20/2005	4/20/2005		
Response to Invention	6/20/2005	7/18/2005	Claims 29-34 rejected	
Priority rejection due	7/20/2005	7/18/2005		
Appeal due	7/20/2005	7/18/2005	PC dated 7/21/05 rec'd 7/27/05	
Final rejection - 1st	8/20/2005	8/20/2005		Richard Frankeny
Appeal due - 1st	8/20/2005	8/20/2005	NOT FILED	Richard Frankeny
Notice of Appeal	8/25/2005	8/25/2005		Richard Frankeny
Final rejection - 2nd	9/20/2005	8/25/2005	6/16/2005-Advisory Action	Richard Frankeny
Appeal due - 2nd	9/20/2005	8/25/2005	PC dated 8/29/05 rec'd 9/9/05	Richard Frankeny
Appeal brief	10/25/2005	9/22/2005	PC stamped 9/25/05; rec'd 10/3/05	Richard Frankeny
Supplemental examiner's	12/16/2005	12/16/2005		Richard Frankeny
Supplemental reply brief	2/16/2006	2/16/2006	NOT FILED	Richard Frankeny
Resp Supp Examiner's	3/16/2006	3/16/2006	EXTENDED	Richard Frankeny
Additional Document Due	3/22/2006	12/16/2005	Examiner's Answer	Richard Frankeny
Resp Supp Examiner's	4/16/2006	4/13/2006	PC stamped 4/16/06; rec'd 4/28/06	Richard Frankeny
Resp Supp Examiner's	5/16/2006	4/13/2006		Richard Frankeny
Resp Supp Examiner's	6/16/2006	4/13/2006		Richard Frankeny
Status Check/Follow Up	10/13/2006		Resp to Suppl Examiner's Answer filed; a/wp OK	Richard Frankeny

Intention:

Assignment Date: Invention

Rubber, Edward A.

CreateUser: SC

CreateDate: 8/13/2003

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UpdateUser: IP_KT

UpdateDate: 4/28/2006



1. *Phragmites*
 2. *Scirpus*
 3. *Spartina*
 4. *Distichlis*
 5. *Eleocharis*
 6. *Cyperus*
 7. *Eleocharis*
 8. *Scirpus*
 9. *Phragmites*
 10. *Distichlis*
 11. *Eleocharis*
 12. *Scirpus*
 13. *Phragmites*
 14. *Distichlis*
 15. *Eleocharis*
 16. *Scirpus*
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 89. *Phragmites*
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 91. *Eleocharis*
 92. *Scirpus*
 93. *Phragmites*
 94. *Distichlis*
 95. *Eleocharis*
 96. *Scirpus*
 97. *Phragmites*
 98. *Distichlis*
 99. *Eleocharis*
 100. *Scirpus*

Patent: 40988/P001P9, United States, Regular, National,
Continuation-in-Part

Patent Data

Account Number	40926/200129	Attorney	Richard Frankeny
Country	United States	Attorney 2	Robert A. Voigt, Jr.
Case Type	Repeal	Attorney 3	
Resolution Type	Continuation-In-Part	Agent	
Filing Type	National	Agent Ref No	
Filing Number		Client/Division	
Status	Pfled	Owner/Proprietor	United Devices, Inc
Sub Status		Previous Owner	United Devices, Inc
Sub Status Date		Client Reference 1	UNITD: 021
Patent Filing Date	3/30/2000	Client Reference 2	UNITD: 021
Patent Country	United States	CPA Reference	
Patent Number	09/138543	Inv. Claims/Designs	2
Patent Filing Date	3/30/2000	Total Claims	28
Patent Grant Date		Total Classes	
Registration Number	09/1834705	Confirmation Number	8392
Registration Date	4/13/2001	Deed Date	5/12/2001
Publication Number		Recorded Date	7/23/2001
Publication Date		Reel/Frame	012004/0844
Patent Number		Effective Date	5/1/2001
Grant Date		File Location	Austin
Tax Hike Date		Historic Date	
Next Tax Date		Assigned	Assignment Recorded
Expiration Date		Conversion Type	

100

Twelve-Sided Network Attached Storage Services Imposed on Massively Distributed Parallel Computing Networks

Description

Supplemental CD5 (see on 03/23/03, 06/10/03)

Other Case-Related Information

45708

Action	Action Due Date	Deadline Date	Completed Date	Action Notes	Responsible Atty #2	Responsible Atty #3
Re Foreign Film	4/13/2003		4/13/2003			
Noted for Missing Parts and 5	7/11/2003		7/16/2003			
Additional Document Due	7/11/2003		7/11/2003	Filing Receipt		
Assignment	7/16/2003		7/16/2003			
IDS Paid	12/18/2003		12/18/2003	Supplemental IDS filed on 02/12/03, 06/10/03		
Power of Attorney	8/15/2003		8/15/2003	PC dated 8/18/03 rec'd 8/23/03		
Additional Document Due	4/6/2004		12/30/2003	Status In Resp. from PTO; Status Pgs. filed 10/6/03 PC dated 10/08/03 rec'd 10/20/03; Resp. status		
				will be 15 months from this date before OA is rec'd		
Additional Document Due	6/18/2004		12/31/2003	Not. of Accept of PGA filed 12/18/03; PC dated		



1st Office Action	9/3/2004	9/3/2004	12/2/03 rec'd 1/2/04	
Response First OA - 1st extension	1/10/2005	1/13/2005	PC dated 1/6/05 rec'd 1/11/05	
Final Rejection Mail Date	4/20/2005	4/20/2005		
Response to provide advisory	6/10/2005	7/10/2005	Claims 29-54 rejected	
Final rejection due	7/20/2005	7/18/2005		
Appeal due	7/20/2005	7/18/2005	PC dated 7/21/05 rec'd 7/27/05	
Final rejection - 1st extension	8/23/2005	8/23/2005		
Appeal due - 1st extension	8/23/2005	8/20/2005	NOT FILED	
Notice of Appeal	8/16/2005	8/25/2005		Richard Frankeny Richard Frankeny Richard Frankeny Richard Frankeny Richard Frankeny
Final rejection - 2nd extension	9/26/2005	9/15/2005	8/16/2005 - Advisory Action	
Appeal due - 2nd extension	9/20/2005	8/25/2005	PC dated 8/23/05 rec'd 8/9/05	
Appeal filed	10/25/2005	9/22/2005	PC stamped 9/26/05; rec'd 10/3/05	Richard Frankeny Richard Frankeny
Supplemental Examiner's Answer	12/16/2005	12/16/2005		
Supplemental reply brief	2/16/2006	2/16/2006	NOT FILED.	
Resp Supp Examiner's Answer	3/16/2006	3/16/2006	EXTENDED.	Richard Frankeny Richard Frankeny Richard Frankeny
Additional Document Due	3/22/2006	12/16/2005	Examiner's Answer	Richard Frankeny
Resp Supp Examiner's Answer - 1st ext	4/13/2006	4/13/2006	PC stamped 4/18/06; rec'd 4/28/06	Richard Frankeny
Resp Supp Examiner's Answer - 2nd ext	5/16/2006	4/13/2006		Richard Frankeny
Resp Supp Examiner's Answer - final deadline	4/13/2006	4/13/2006		Richard Frankeny
Status Check/ Follow Up	10/13/2006	12/26/2006	12/26/06 - Not of Abandonment read for failure to pay issue fee; ROA issued on 7/26/06 not read in docketing. Resp to Supp Examiner's Answer filed; await OA. Failure to pay Issue Fee.	Robert A. Vigna, Jr.
Notice of Abandonment	12/26/2006	12/26/2006		
Reform to Answer Due	2/26/2007			

1

Responsible Data Director
M. J. Howard, A.

CreateUser: SC
CreateDate: 8/13/2003
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UpdateUser: IP_RT
UpdateDate: 1/5/2007
